

REMARKS

Claims 1, 2, 4-8, 11-13, 15-20, and 23-26 are all the claims pending in the application.

Claims 1-2, 6-8, 11-13, 17-20 and 23-26 have been amended. Claims 9-10 and 21-22 have been canceled.

I. Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1, 2, 5, 6, 8, 11-13, 16, 17, 19, 20, and 23-26 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sayers et al., (US 6,539,237; hereinafter “Sayers”).

Applicant traverses the rejections based on the following comments.

Applicant respectfully submits that Sayers fail to teach or suggest the recitations of claim 12 of:

a plurality of control plane controllers;

a plurality of user plane controllers separate from said plurality of control plane controllers;

wherein **each user plane controller is logically subordinate to only one of said control plane controller**; and

means for effecting transfer of status information between a user plane controller and any of said control plane controllers notwithstanding that each user plane controller is logically subordinate to only one of said control plane controllers

Specifically, Applicant respectfully submits Sayers fails to teach or suggest the requirements of claim 12 of each of a plurality of user plane controllers being logically subordinate to only one control plane controller and a means for effecting transfer of status information between one of said user plane controllers and any of said control plane controllers.

As such Applicant respectfully submits that Sayers fail to teach or suggest all the recitations of claim 12.

Accordingly, Applicant respectfully submits that claim 12 is not anticipated under 35 U.S.C. § 102(e) by Sayers, because the reference does not disclose all of the features and limitations of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 12, and claims 13, 16-20, 25 and 26 at least by virtue of their dependency from claim 12.

Further, Applicant submits that independent claims 1, 11, and 23 and their dependant claims 2, 5-8, and 24 are also patentable over Sayers for at least similar reasons. As such, Applicant respectfully requests the Examiner withdraw the rejections of independent claims 1, 11, and 23 and dependent claims 2, 5-8, and 24.

II. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 7 and 18 are rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Sayers. Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Sayers is deficient vis-à-vis independent claims 1 and 12. Applicant further respectfully submits that Sayers also fails to render the above disclosed distinctions obvious. Even taken for what Sayers would have meant as a whole to an artisan of ordinary skill, the teachings of the reference would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 12, much less dependent claims 7 and 18.

Therefore, claims 7 and 18 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 7 and 18.

III. Drawing Objections

At this time, the undersigned is in the process of investigating if Figure 1 is in fact prior art against the subject application. On information and belief, at the present time, Figure 1 is only related art and not necessarily prior art. Thus Figure 1 can not properly be labeled prior art, which would be an admission of prior art. Applicant cannot admit prior art which it does not know is in fact prior art against this application. Applicant will supplement this response immediately after it has determined the legal status of that depicted in Figure 1.

IV. Formalities

Applicant again respectfully submits that the Information Disclosure Statement of June 6, 2005 was properly filed with a copy of the relevant ISR and, as such, respectfully requests the Examiner initial and return a signed copy of the SB/08 form submitted with the Information Disclosure Statement.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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